

[Article D] Congressional Hearings: Affirmative Action Stands Trial

Background: In April 1970, President Richard Nixon nominated Admiral Elmo Zumwalt to serve as Chief of Naval Operations (CNO). CNO is the highest-ranking officer assigned to work in the Department of Defense. To the dismay of many, Zumwalt had been “deep selected,” meaning he was chosen over a significant number of more senior officers. Compared to previous Navy leadership, Zumwalt was progressive in his policies. In this position he held tremendous control over policy issues. Zumwalt was able to issue far-reaching, law altering policies through written directives, or NAVOPS. Such proclamations were nicknamed “Z-grams” during Zumwalt’s tenure as CNO. In 1970, the Navy’s reenlistment had reached a low of 10%. Two years later, under Zumwalt’s leadership, the rate climbed up to 23%. Some of the increased rate of retention was due to his leadership and decisions to make life in the Navy less difficult. Zumwalt recognized that part of the reason the Navy maintained a negative reputation in the eyes of sailors and civilians was its strict, outdated policies. Zumwalt used Z-grams to make the Navy more inclusive and was not opposed to ruffling feathers to make necessary changes that benefited enlisted sailors. When a series of Navy disturbances broke out in the fall of 1972, Congress was looking for a scapegoat, and Zumwalt’s new policies were an easy target.

Congressional Hearings: In November 1972, just a few weeks after the ‘grilled cheese riot’ aboard USS *Kitty Hawk*, additional racial unrest struck closer to home. USS *Constellation*, another aircraft carrier, was slated to deploy from southern California. Rather than join the ship, a group of sailors protested by refusing to board the vessel. On the docks in San Diego over November 6th and 7th, more than 100 sailors, most of whom were African American, staged a protest. Local press heard about the situation and the event was broadcast around the nation the day after President Nixon was re-elected. Nixon saw footage of *Constellation* sailors giving the black power salute and demanded that his national security advisor do something about the Navy’s discipline problem. On Monday, November 13, the congressional chairman of the House Armed Services Committee announced a subcommittee investigation into racial and disciplinary problems on Navy ships. A week later, Zumwalt appeared before the Hicks Subcommittee. The subcommittee questioned Zumwalt’s policies and argued it was the “permissiveness” of his policies that was responsible for the recent disturbances. Affirmative action policies that had altered the rules for black enlistees were under scrutiny, as were the lack of formal reprimands for the *Constellation* protestors. Days of interviews took place and it was clear that rather than face the harsh reality that racial issues existed in the Navy, Zumwalt’s leadership was under attack. The final subcommittee report came out in January 1973. The report stated that it had found no evidence of “institutional racism” and rebuked Zumwalt. Regardless of the report, the nation was ready for change. An editorial published in the *Los Angeles Times* stated: “The ultimate question is not ‘permissiveness’... the ultimate question here is whether there will be a modern Navy, a Navy responsive to the principles of human equality.” Forced by changing public opinion, in 1974 the Navy instituted a racial awareness seminar. That summer Zumwalt retired from his position as CNO.

INQUIRY TO STUDY KITTY HAWK RIOT

House Unit Ends Sessions on
Constellation Troubles

Special to The New York Times

SAN DIEGO, Nov. 25—A House Armed Services subcommittee, winding up four days of inquiry here into the racial troubles aboard the aircraft carrier Constellation, recessed its hearing today and decided to return here Dec. 5 to investigate a mid-October riot aboard the carrier Kitty Hawk.

The Kitty Hawk is due back in San Diego Tuesday from a nine-month Pacific tour. The rioting, which broke out on the evening of Oct. 15 while the carrier's planes were attacking North Vietnam targets, injured 46 crew members when blacks and whites battled for 15 hours with knives and clubs.

Representative Floyd V. Hicks indicated today that a key point in the inquiry may be the liberalization policies put forth by Adm. Elmo R. Zumwalt, Chief of Naval Operations, to end racism in the Navy. Mr. Hicks, a Washington Democrat, is chairman of the three-man subcommittee that has been taking testimony from officers and dissident black seamen from the Constellation since Tuesday.

"We may, on the basis of the Constellation testimony and after we have gone into the Kitty Hawk affair, want to question Admiral Zumwalt again in order to get at the heart of this very serious Navy problem," he said.

'No Permissiveness'

Questioned by the subcommittee in Washington on Monday, Admiral Zumwalt had a sharp answer when he was asked whether the racial incidents aboard Navy ships had been sparked by a new permissiveness in regulations.

"There is absolutely no permissiveness," he said.

Mr. Hicks said the subcommittee might also want to talk again with Secretary of the Navy John W. Warner, who, according to several veteran officers here, has pri-

vately assured senior admirals that he would not hesitate to rescind any of Admiral Zumwalt's famous "Z-grams" if they appear to have contributed to a breakdown in Navy discipline.

Before ending the Constellation inquiry, the subcommittee recalled Capt. J. D. Ward, skipper of the carrier, and Capt. Robert McKenzie, commander of the North Island Naval Air Station, reportedly to reply to portions of testimony given by black dissidents from aboard the carrier.

Captain McKenzie has been conducting disciplinary captain's masts for 123 of the Constellation crew members. Both captains had appeared earlier in the inquiry.

Discussions with sailors who have testified in the Constellation inquiry here have indicated that the subcommittee was largely concerned not so much with the offenses and the punishments given to 129 dissidents of the carrier's crew—all but a few of them, blacks—but with what it called "evidence of permissiveness" within the Navy.

Some Discharges

Among the 16 Constellation sailors summoned before the subcommittee—two were whites—all were part of a group of 137 crewmen put ashore by Captain Ward two weeks ago after a series of black protest meetings on board the ship during maneuvers at sea.

Of the total, 123 were later brought before captain's masts on charges of refusing to obey Captain Ward's orders to return to the carrier. Administrative discharges are under way for 29 of the 123 men for inability to adjust to Navy life or because of "personality problems."

Among the dissident crewmen heard by the Congressmen there has been considerable grumbling over the conduct of the inquiry.

Howard R. Smith, a 19-year-old black seaman who was one of the leaders of the sit-downs aboard the Constellation in protest against what the blacks call "calculated racism," said the Congressmen were more interested in his role in the demonstration than in the causes of the troubles.

"Inquiry to Study Kitty Hawk Riot," *New York Times*, November 26, 1972